

REMARKS

The Advisory Action mailed February 17, 2004, in connection with the above-identified application, is noted. In this Advisory Action, the Examiner has for the first time indicated that claims related to a composition comprising layer-structure clay mineral thickeners would be allowable "upon submission of an executed Rule 132 Declaration" (an unexecuted version of which was submitted with the Amendment After Final Rejection filed January 23, 2004). An executed copy of this Declaration was submitted with the Supplementing Response filed February 17, 2004; accordingly, the condition precedent for indicated allowance of claims 23-25, 31 and 32 has been satisfied.

By the present amendments, the subject matter of claim 31 has been incorporated into claim 1. In light thereof, and noting method claim 9, claims 31 and 32 have been cancelled without prejudice or disclaimer.

Moreover, claim 23 has been set forth in independent form.

In addition, in light of amendment of claim 1 to recite that the thickening agent is a layer-structure clay mineral, claim 15, and claims ultimately dependent thereon (that is, claims 16-20), have been cancelled without prejudice or disclaimer.

Initially, it is respectfully requested that the present amendments be entered. Noting the indication by the Examiner of allowable subject matter in the Advisory Action mailed February 17, 2004, it is respectfully submitted that the present amendments clearly materially limit issues remaining in connection with the above-identified application; and, as will be shown infra, present the above-identified application in condition for allowance. Noting that indication of allowable subject matter was set forth for the first time in the Advisory Action mailed

February 17, 2004, it is respectfully submitted that the present amendments are clearly timely. Moreover, noting that the amendments incorporate subject matter of previously considered claims into other previously considered claims, it is respectfully submitted that the present amendments clearly do not raise any new issues, including any issue of new matter.

In view of the foregoing, it is respectfully submitted that Applicants have made the necessary showing under 37 CFR § 1.116(c); and that, accordingly, entry of the present amendments in the above-identified application is clearly proper.

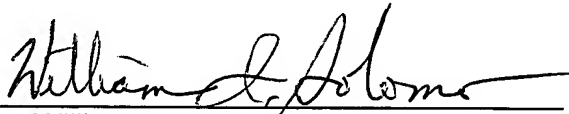
In view of the indications by the Examiner in the Advisory Action mailed February 17, 2004; the submission of the executed Declaration with the Supplementing Response filed February 17, 2004; and the present amendments to the claims, wherein the claims recite that the thickening agent is a layer-structure clay mineral (see currently amended claim 1) or hectorite (see claim 23), it is respectfully submitted that all rejections set forth in the Final Rejection mailed July 23, 2003, including the rejection over U.S. Patent No. 5,902,568 to Ryles, et al., have been overcome. Accordingly, entry of the present amendments, reconsideration and allowance of all claims remaining in the application, and passing of the above-identified application to issue in due course, are respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus,

LLP Deposit Account No. 01-2135 (Docket No. 396.40960X00), and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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